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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,576	10/31/2000	Albert Daniel Duree	1105a	1354
28004	7590	04/22/2005	EXAMINER	
SPRINT			SAM, PHIRIN	
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KSOPHT0101-Z2100			ART UNIT	PAPER NUMBER
OVERLAND PARK, KS 66251-2100			2661	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,576

Applicant(s)

DUREE ET AL.

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18 and 29-36 is/are allowed.
- 6) ☒ Claim(s) 1,5-9,19 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 2-4,10,20-22 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 5-9, 19, and 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 5,956,334 hereinafter referred as "Chu".

Chu discloses the invention (**claims 1 and 19**) as claimed including a communication system comprising:

(a) a first signaling processor configured to receive and process call signaling to generate and transfer a first control message indicating an identifier (see Figs. 3 and 4, element 100.1, col. 4, lines 66-67, and col. 5, line 1, 13-25, 39-55);

Art Unit: 2661

(b) a first inter-working unit (see Fig. 3, element 100.2) configured to receive voice-band communications and the first control message, determine if initial voice-band processing is required, perform the initial voice-band processing if required, convert the voice-band communications into asynchronous communications with the identifier (see Fig. 3, elements 100.2, col. 3, lines 1-4, 35-48) and with a processing indicator and transfer the indicating if the initial voice-band processing was performed, and transfer the asynchronous communications (see Fig. 4, col. 5, lines 48-55).

Regarding claims 6 and 24, Chu discloses the identifier indicates an ATM connection, the asynchronous communications comprise ATM communications, and the first inter-working unit is configured to transfer the ATM communications over the ATM (see Figs. 3 and 4, col. 5, lines 48-55).

Regarding claims 7 and 25, Chu discloses the processing indicator comprises an ATM convergence sub-layer indicator (see col. 6, lines 18-30).

Regarding claims 8 and 26, Chu discloses the call signaling comprises an initial address message (see Figs. 3-4, col. 5, lines 38-47).

Regarding claims 9 and 27, Chu discloses wherein:

(a) the first signaling processor is configured to receive and process the call signaling to generate and transfer the first control message indicating a type of the initial voice band processing (see Fig. 3, element 100.1, col. 5, lines 38-47, col. 6, lines 65-67, col. 7, lines 1-5);

Art Unit: 2661

(b) the first inter-working unit is configured to determine if the initial voice-band processing is required and perform the type of the initial voice-band processing based on the first control message (see Fig. 3, element 100.2, col. 3, lines 1-4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,956,334 hereinafter referred as "Chu" in view of US Patent 5,623,491 hereinafter referred as "Skoog".

Regarding claims 5 and 23, Chu discloses all limitations except echo cancellation.

However, Skoog discloses echo cancellation (see Figs. 1 and 2, elements 18 and 58, col. 3, lines

Art Unit: 2661

56-59, and col. 4, lines 19-29). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine echo cancellation teaching by Skoog with Chu. The motivation for doing so would have been to provide to enhance voice quality read on column 3, lines 56-57. Therefore, it would have been obvious to combine Skoog and Chu to obtain the invention as specified in the claims 5 and 23.

Allowable Subject Matter

6. Claims 2-4, 10, 20-22, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 11-18 and 29-36 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 5-9, 19, 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: April 21, 2005

A handwritten signature in black ink, appearing to read "Phirin", written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**